



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/405,857 09/24/99 RAYNER

G 7602-PA01CP

EXAMINER

PM82/0406

NEIL F MARTIN
BROWN MARTIN HALLER & MCCLAIN LLP
1660 UNION STREET
SAN DIEGO CA 92101

CHIN, G	ART UNIT	PAPER NUMBER
---------	----------	--------------

3661
DATE MAILED:

04/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/405857

Applicant(s)

RAYNER

Examiner

G. CHIN

Group Art Unit

3661

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-41 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-41 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2 & 3
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 3661

DETAILED ACTION

1. Claims 9-11, 14 and 33-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 9 and 14, both on line 2, the antecedent basis for "said mirror" has not been set forth in these claims.

As per claim 33, line 12 and claim 36, line 16, the antecedent basis for "said signal" has not been set forth and should be changed to "a signal" respectively. Further on line 16 of claim 36 and line 2 of both claims 37-38, it is unclear as to which "video imagery" is the recited "said video imagery" directed to since there are two "video imageries" are being recited in the claim 36 (see lines 9-10 and 12).

As per claims 34 and 37, both on line 2, "a signal" should be "said signal" respectively as the result of the change suggested above.

Claims which have not been specifically indicated are rejected for incorporating the above errors by dependency.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3661

3. Claims 1-8, 12, 15, 17-24, 28, 31 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (patent no. 5815093).

As per claims 1-4, 7, 12, 17-20, 23, 28 and 39, figure 1 and columns 3-7 of the Kikinis reference clearly disclose the claimed vehicle mounted device and method for capturing video imagery in response to a triggering event including the image sensor (item 13) for sensing optical phenomena, a data sensor circuit (items 33-51), a capture circuit for capturing the video imagery (item 15) and a rear-view mirror (col. 3, lines 35-36). It is noted that the claimed housing has not been explicitly disclosed in the Kikinis reference. However, it would have been obvious for one skilled in the art that there must be some sort of housing included in the Kikinis reference in order to contain the circuit elements as shown in figure 1 of the teaching.

As per claims 5-6 and 21-22, the claimed transmitter is shown in item 75, figure 1 of the Kikinis teaching.

As per claims 8 and 24, the claimed forward sensor is shown in item 49, figure 1 of the Kikinis teaching. Further, it would have been obvious for one skilled in the art to include any additional sensor including the lateral sensor as claimed to provide a more informative data recording system as directly suggested in col. 4, lines 33-35 of the Kikinis teaching.

As per claims 15 and 31, the additionally claimed GPS receiver is clearly shown in item 53, figure 1 of the Kikinis teaching.

Art Unit: 3661

As per claims 40-41, it would have been obvious for a person having ordinary skill in the art that any well known fasteners or attachment devices including the suction cup as claimed can be employed to mount the device as taught in the Kikinis reference.

4. Claims 9-11, 25-27 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (patent no. 5815093) in view of Wada et al (patent no. 5523811) submitted by applicant.

As per claims 9-11, 25-27 and 33-35, the claimed limitations have been met by the Kikinis reference with the exception of the structural arrangement between the image sensor and the mirror. However, such arrangement is well known and clearly shown in figures 1 and 9 of the Wada et al teaching. It would have been obvious for a person having ordinary skill in the art to incorporating such well known arrangement as taught in Wada et al into the Kikinis system so that the mounting of the image sensor and the mirror can be facilitated.

5. Claims 13, 29 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (patent no. 5815093) in view of either Lee (patent no. 5680123) or Hill (patent no. 5497419).

As per claims 13, 29 and 36-38, it is noted that only one image sensor or camera, instead of two image sensors as claimed, is being employed in the Kikinis reference. However, such feature of employing two image sensors to record both the images in front and rear of the vehicle is notoriously well known in the art and clearly taught in either the Lee (fig. 5) or Hill reference (fig. 1). It would have been obvious for one skilled in the art to incorporate such well known

Art Unit: 3661

feature as taught in either Lee or Hill into the Kikinis so that a more complete image surrounding the vehicle can be obtained.

6. Claims 16 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis in view of either Hill (patent no. 5497419) or Johnson et al (patent no. 6163338).

As per claims 16 and 32, the additionally claimed microphone is clearly taught in col. 5, lines 21-25 of the Hill reference or figure 4 of the Johnson et al reference. It would have been readily apparent for one skilled in the art to incorporate such well known microphone as taught in either Hill or Johnson et al so that both the video and audio signals can be recorder to provide a more informative recording system.

7. Claims 14 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis in view of either Lee or Hill and further in view of Wada et al.

As per claims 14 and 30, the reason for the rejection based on the combined teachings of Kikinis, Lee, Hill and Wada et al as set forth in the above paragraphs is also applicable herein.

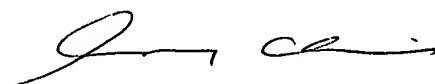
8. The additional references are cited to show the related systems. Applicant should consider them carefully when responding to the current office action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Chin whose telephone number is (703) 305-9751. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:00 pm.

Art Unit: 3661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



GARY CHIN
PRIMARY EXAMINER